

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES G. HUFFMAN

*

Plaintiff,

*

v.

*

2:06-CV-748-MEF
(WO)

SOUTHERN HEALTH SERVICES, *et al.*,

*

Defendants.

*

ORDER ON MOTION

On November 8, 2006 Plaintiff filed a Motion for Leave to Amend Complaint. In his motion, Plaintiff seeks to name Clyde Chambliss, Chairman of the Autauga County Commission, as an additional defendant to this cause of action which concerns an alleged denial and/or inadequate provision of medical care and treatment. (*Id.*)

Plaintiff is advised that county commissioners cannot be held liable for actions undertaken during the daily operation of a county jail. *Turquitt v. Jefferson County, Alabama*, 137 F.3d 1285, 1289 (11th Cir. 1998). Moreover, county commissioners are entitled to absolute immunity under § 1983 for claims arising from the appropriation of funds for the maintenance of a county jail. *Woods v. Garner*, 132 F.3d 1417, 1420 (11th Cir. 1998) (“The budgetary decisions made by defendants for funding the county--including the jail--are legislative acts protected by legislative immunity.”). *See also Antonelli v. Sheahan*, 81 F.3d 1422, 1428 (7th Cir. 1996) (“a prisoner may not attribute any of his constitutional claims to

higher officials by the doctrine of *respondeat superior*; the official must actually have participated in the constitutional wrongdoing.”) (internal quotations omitted). Plaintiff’s motion for leave to amend to name Clyde Chambliss as defendants shall, therefore, be denied.

Accordingly, it is

ORDERED that the Motion for Leave to Amend (Doc. No. 20) be and is hereby DENIED.

Done, this 14th day of November 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE